

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PEARCE BREWINGTON YOST,	:	
Plaintiff	:	No. 3:16-CV-1444
	:	
v.	:	(Judge Nealon)
	:	
NANCY A. BERRYHILL, ¹	:	(Magistrate Judge Arbuckle)
Acting Commissioner of Social Security,	:	
Defendant	:	

MEMORANDUM

Background

On July 14, 2016, Plaintiff, Pearce Brewington Yost, filed a complaint seeking review of the Commissioner of the Social Security Administration's ("Commissioner") denial of his application for disability insurance benefits under Title II of the Social Security Act and his application for Supplemental Security Income under Title XVI of the Social Security Act. (Doc. 1). On September 14, 2016, Defendant filed an Answer and Transcript. (Docs. 10 and 11). On October 31, 2016, Plaintiff filed a brief in support of the complaint. (Doc. 12). On December 1, 2016, Defendant filed a brief in opposition. (Doc. 13). A Report and

¹Nancy A. Berryhill became the new Acting Commissioner of Social Security on January 23, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Recommendation, (“R&R”), was issued by United States Magistrate Judge William I. Arbuckle on September 15, 2017, recommending that the appeal be denied, the decision of the Commissioner be affirmed, final judgment be entered in favor of Defendant and against Plaintiff, and the Clerk of Court be directed to close this matter. (Doc. 16). No objections have been filed, and the matter is now ripe for review. Having reviewed the reasoning of the Magistrate Judge, the R&R will be adopted.

Standard of Review

When neither party objects to a magistrate judge’s report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. Thomas v. Arn, 474 U.S. 140, 152 (1985); 28 U.S.C. § 636(b)(1)(C). Nevertheless, the Third Circuit Court of Appeals has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987), writ denied 484 U.S. 837 (1987); Garcia v. I.N.S., 733 F. Supp. 1554, 1555 (M.D. Pa. 1990) (Kosik, J.) (stating “the district court need only review the record for plain error or manifest injustice”). In the absence of objections, review may properly be limited to ascertaining whether there is clear error that not only affects the rights of the plaintiff, but also seriously affects the integrity, fairness, or public

reputation of judicial proceedings. Cruz v. Chater, 990 F. Supp. 375, 377 (M.D. Pa. 1998) (Vanaskie, J.).

Discussion

Upon review of the present appeal, it is concluded that the Magistrate Judge did not err in finding that substantial evidence supports the decision of the administrative law judge, (“ALJ”), that Plaintiff was not disabled. (Doc. 16). The Magistrate Judge appropriately sets forth the standard for reviewing a Social Security appeal and the Sequential Evaluation Process used by an administrative law judge to determine whether the claimant is disabled, which are herein adopted as such. (Id. at pp. 7-14). The Magistrate Judge also thoroughly reviews the medical records and the ALJ’s decision, also herein adopted as such. (Id. at pp. 1-7, 15-16). Ultimately, Magistrate Judge Arbuckle determines that the ALJ’s decision is supported by substantial evidence and recommends that this Court deny the appeal, affirm the ALJ’s decision, and enter judgment in favor of Defendant and against Plaintiff. (Id. at pp. 17-27).

Neither party having objected to the Magistrate Judge’s recommendations, and this Court having reviewed the R&R for clear error and having found none, Magistrate Judge Arbuckle’s R&R will be adopted. As such, Plaintiff’s appeal will be denied, the decision of the Commissioner will be affirmed, judgment will

be entered in favor of Defendant and against Plaintiff, and the Clerk of Court will be directed to close this matter.

A separate Order will be issued.

Date: September 30, 2017

/s/ William J. Nealon
United States District Judge